

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DR. FRANCIS STEPHEN VOGEL,

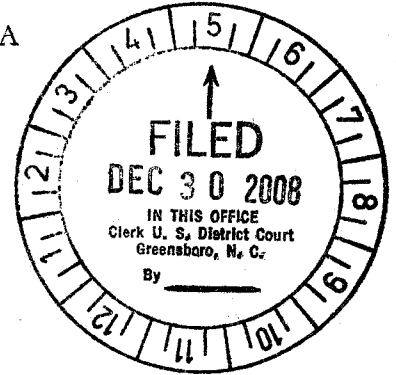
Plaintiff,

v.

WOLTERS KLUWER HEALTH, INC. d/b/a
LIPPINCOTT WILLIAMS & WILKINS;
WOLTERS KLUWER UNITED STATES, INC.;
WOLTERS KLUWER U.S. CORPORATION;
and DR. JOHN Q. TROJANOWSKI,

Defendants.

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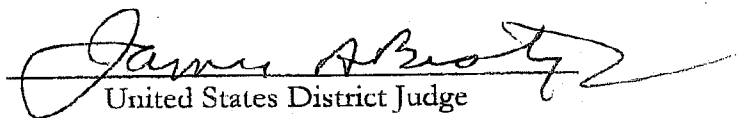
ORDER

This matter is before the Court on a Recommendation of the United States Magistrate Judge [Document #34], which was filed and served on the parties pursuant to 28 U.S.C. § 636(b). Plaintiff filed timely Objections. The Court has now reviewed the Objections and the portions of the Recommendation to which objection was made, and has made a de novo determination in accord with the substance of the United States Magistrate Judge's rulings. The Magistrate Judge's Recommendation [Document #34] is therefore affirmed and adopted, and Defendants' Motion to Dismiss will be granted.

IT IS THEREFORE ORDERED that the Recommendation is ADOPTED and for the reasons set out in the Recommendation, Defendants' Motion to Dismiss [Document #23] is GRANTED. As a result of this determination, Plaintiff's claims for false designation of origin under the Lanham Act (Count 2) and unfair and deceptive trade practices under state law (Count 3) are DISMISSED. In addition, Defendant John Q. Trojanowski is DISMISSED for lack of personal jurisdiction. The sole remaining claim in this case is Plaintiff's claim for copyright infringement under the Copyright Act (Count 1) against Defendants Wolters Kluwer Health, Inc.

d/b/a Lippincott Williams & Wilkins, Wolters Kluwer United States, Inc., and Wolters Kluwer U.S. Corporation, and that claim will go forward in this case.

This, the 30 day of December, 2008.


United States District Judge